

**MEETING MINUTES
OCTOBER 26, 2005
EMPLOYMENT LAW ADVISORY COMMITTEE**

Attendees:

1. Employment Law Advisory Committee Members: Rick Anderson (Sakuma Bros.) Kris Tefft (AWB) Clif Finch (WFI) Carolyn Logue (NFIB) Dave Johnson (WSBCTC) Jeff Johnson (WSLC) Joseph Crump (UFCW)
2. L & I Staff: Rich Ervin, Mike Ratko, Janis Kerns, Carlena Anderson, Patricia Kennish, Mary Miller, Sally Elliott, Patrick Woods, and Gary Weeks, Amanda Goss, AAG
3. Other Participants: Representative John McCoy, Dan Fazio (WSFB), Rachel DaSilva

Agenda Item	Discussion	Action	Due Date
Opening Remarks Introductions	Mike Ratko opened the meeting Introductions were made around the table and audience members. Minutes from 8/1/05 meeting were discussed; J Johnson asked for clarification of the policies discussed at that meeting. Minutes were approved.		
Payroll deduction WAC	Janis pointed out major changes from version at hearings in July and advised one more hearing is scheduled 11/8/2005 in Tumwater.		
Supreme Court decision re the shepherd case	Janis explained the current administrative policy needs to be changed immediately to reflect this October 13, 2005 Supreme Court decision. The "reside or sleep" exemption (RCW 49.46.010(5) (j) was clarified by the court that if an individual whose duties require that he/she reside or sleep on the premises, the exemption applies regardless of additional hours worked when they are on call. The individual who spends a substantial amount of time subject to call and not engaged in the performance of active duties is also exempt. Current policy is no longer correct. This update to the policy will be done before the 19 rules are adopted and will then be part of the revision to WAC 296-128 – Minimum Wage. ELAC members will receive a copy of the proposed changes before it is adopted in the policy.		
Administrative Remedies	Representative McCoy kicked off the discussion on the Administrative Remedies Bill. As agreed at the October 4 meeting in Tukwila, ELAC thought this meeting should primarily be focused on the Administrative Remedies bill as a work session. Business provided a document of their concerns. In general, Business and Labor agree on the principles discussed at the October 4		

	<p>meeting that Patrick Woods outlined. Each felt they were close, but both Business and Labor decided it would be better for them to meet later to work together on the remaining issues. L&I would not participate in the discussion between Business and Labor, but may attend the latter part of their work session. If they reach an agreement, the full ELAC would meet on December 9 at 1:30 pm to be debriefed. If they don't reach an agreement, the bill would not go forward in the 2006 session. Director Weeks spoke to the role of L&I in the process to make it work. Jeff Johnson and Kris Tefft to set up meeting date.</p>		
Policies into Rules Integration Project	<p>Janis, Rich, and Mary: Janis informed ELAC that all of the 19 administrative policies that ELAC agreed should go into rule would fit within 4 existing WAC rules:</p> <ul style="list-style-type: none"> • WAC 296-125 – Child Labor • WAC 296-126 – Industrial Welfare • WAC 296-128 – Minimum Wage • WAC 296-128 – Agricultural Employment <p>Janis pointed out the additions, changes, or possible repeal of WAC's 126, 128, and 131. Mary Miller pointed out the proposed work on Child Labor to include two phases</p> <ul style="list-style-type: none"> • Phase I – to bring the state minor work rules into compliance with federal laws, and to provide certainty and consistency to employers in Washington, the driving policy would be incorporated into the rule; it is also necessary to change hours worked for 14-and 15-year old minors to bring them into consistency with federal law; and to insert meat slicers and forklifts specifically as prohibited occupations—these are prohibited for all minors under federal law, but they are not specifically mentioned in the state rules. Phase I will be part of the rules integration project. <p>Phase II – update other portions of the rules to make housekeeping changes, and to insert the current policies on bloodborne pathogens (ES.C.4.2) and school week/workweek (ES.C.4.1) into the rules; to clarify the prohibition of personal protective equipment for chemical and noise exposures</p>		

	<p>into rule; address issues regarding minor work permit renewal, to clarify the variance policies and procedures in the current rule, and to review and update the format of the child labor rules for clarity and ease of use. This would be based on the WISHA Innovations process. ELAC agreed in principle. Phase II will be developed over time and brought before ELAC again for review and recommendation for adoption into the child labor rules.</p>		
2006 Meeting Schedule	<p>2006 meeting dates set, all to be held in Tumwater:</p> <ul style="list-style-type: none"> • Tuesday, March 28, 9 a.m. until noon • Tuesday, July 18, 9 a.m. until noon • Tuesday, October 3, 9 a.m. until noon <p>Possible meeting later for possible legislative concerns</p>		